



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

US EPA RECORDS CENTER REGION 5



466141

12 APR 1989

John Kyle
Barnes and Thornburg
1313 Merchants Bank Building
11 South Meridian
Indianapolis, IN 46204

Lisa Flemming
Jeffboat Incorporated
1701 East Market Street
Jeffersonville, IN 47130

Timothy L. Harker
The Harker Firm
2021 K Street, N.W.
Suite 310
Washington, D.C. 20006

George Pendencygraft
Pendencygraft & Plews
1346 N. Delaware St.
Indianapolis, IN
46202-2415

RE: Enviro-Chem Data Base: Anderson Development Company

Dear Counselors:

Enclosed please find copies of six letters from Charles Barbieri concerning a disputed gallonage claim made by Anderson Development Company (ADC). In response to these letters we have reviewed the records in U.S. EPA's possession concerning ADC. U.S. EPA's original calculation of ADC's contribution was 110,605 gallons. A review of the manifests indicates that ADC may be responsible for only 59,565 gallons shipped to the site.

The discrepancy in gallons may be attributed to two miscalculations. The first appears to be a function of mistaken identity. Apparently, a company called Andersen Corporation located in Minnesota contributed 30,490 gallons to the site, but these gallons were attributed to ADC's gallonage. There is a Hauler's Report Log which appears to indicate that Andersen of Minnesota was responsible for those gallons and not ADC. U.S. EPA plans to send Andersen of Minnesota an Information Request regarding its contribution to the site.

The second miscalculation is a result of what may be a double-counting of 206 drums. Enviro-Chem invoice numbered 4986 indicates a charge for 206 drums. According to the Affidavit of James Huerta dated August 17, 1988, this invoice was a result of a surcharge of five dollars per drum imposed by Enviro-Chem to obtain priority in the disposal of ADC's waste, previously delivered.

Given these circumstances, it is our tentative intent to reduce ADC's volume to 59,565 gallons and to determine whether Andersen Company of Minnesota should be added to the PRP list. However, we offer you an opportunity to comment before U.S. EPA takes any official action.

If you have any questions regarding this matter please contact me at (312) 886-4247.

Sincerely,


Charles G. McKinley
Assistant Regional Counsel

RECEIVED
EPA REGION 4
REGIONAL COUNSEL
JUN 10 1993

Enclosures